

shall be limited to 25 minutes allocated to each party rather than 30 minutes to each; but in no event shall such debates continue beyond the time that falls 10 minutes before the appointed hour for the resumption of legislative business, and with the understanding that the format for recognition for special order speeches first instituted on February 23, 1994, be continued for the same period. . . .

THE SPEAKER PRO TEMPORE: Is there objection to the request of the gentleman from Texas?

There was no objection.

Meetings of the leadership following the February 11 proceedings produced further guidelines for implementation of the special order and morning-hour procedures. The guidelines pro-

vided, among other matters, for alternation of recognition between the parties, and for procedures whereby Members sign up in advance for special orders, the majority in the Majority Leader's office and the minority in the cloakroom, the lists to be approved on the floor. For the Oxford-style debates, each leader would designate four participants for the debate every third Wednesday, to be held on a mutually agreeable topic announced by the Speaker. Guidelines for the morning hour on every Monday and Tuesday also provided for allocation of time and for the procedure of signing up with the party leaders.⁽¹⁹⁾

I. DURATION OF DEBATE IN THE COMMITTEE OF THE WHOLE

§ 74. In General; Effect of Special Rules

The Committee of the Whole considers propositions on the Union Calendar and other propo-

sitions made in order under that procedure by unanimous consent or by special rule.⁽²⁰⁾ The procedure in the Committee of the Whole is provided for in part by Rule XXIII.⁽¹⁾ In addition, where

19. See the procedures agreed to in meetings of the leadership for special orders, Oxford debates, and morning hours (Feb. 17, 1994).

20. For consideration in the Committee of the Whole, see § 3, *supra*, and Ch. 19, *supra*.

1. *House Rules and Manual* §§ 861–877 (1995). Special procedures for a Com-

mittee of the Whole date, in various forms, from the beginning of Congress. Jefferson's Manual discusses the early form of the Committee of the Whole. See Jefferson's Manual, *House Rules and Manual* §§ 326–340 (1995).

applicable, the rules and procedures of the House are observed in the Committee of the Whole.⁽²⁾ Rule XXIII clause 5 provides that there first be general debate, then amendment under the five-minute rule in the Committee of the Whole.⁽³⁾ The duration of time for general debate is usually governed by a special rule, reported by the Committee on Rules and entertained in the House before resolving into Committee, or by a unanimous-consent request, providing a certain number of hours for general debate. The rule may also provide that debate proceed for a day or more.⁽⁴⁾

The time for general debate provided for by the House can be “yielded back” by the managers, but the Committee of the Whole cannot extend the time fixed by the order of the House. The House, of course, can curtail or even extend the debate in the Committee.⁽⁵⁾ If not fixed by spe-

cial rule, general debate may be limited by unanimous consent before it begins or by motion or unanimous consent in the House after it commences.⁽⁶⁾ The Members in control of the time for general debate may decline to consume all the time allotted by a special rule.

A special rule may restrict the operation of the five-minute rule by permitting only specified amendments or no amendments to be offered to the bill.⁽⁷⁾ The five-minute rule is also abrogated by a motion or unanimous-consent agreement that debate on amendments be limited; in that situation the Chairman, in his discretion and with the consent of the Committee, distributes the time among Members.⁽⁸⁾

Forms

Form of resolution providing for general debate to end by a certain hour on a following day.

Resolved, That immediately upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the

2. Rule XXIII clause 9, *House Rules and Manual* § 877 (1995).

For example, the hour rule applies to prevent any one Member for speaking for more than one hour (see § 74.4, *infra*).

3. *House Rules and Manual* § 870 (1995).

4. See §§ 74.7–74.9, *infra*.

5. See §§ 74.10, 74.11, *infra*, for limiting such general debate and § 75.7, *infra*, for the proposition that such debate

may not be extended. See § 76.1, *infra*, for authority of managers to curtail general debate time; and § 76.10, *infra*, for an example of limiting time by unanimous consent.

6. See § 76, *infra*.

7. See § 74.15, *infra*.

8. See § 79, *infra*.

Whole House on the State of the Union for the consideration of the bill (H.R. 4473) to provide revenue, and for other purposes and all points of order against the bill are hereby waived. That after general debate, which shall be confined to the bill and continue not to exceed 2 days, such general debate to end not later than 4 o'clock p.m., on the second day of debate, and which shall be confined to the bill, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment. . . .⁽⁹⁾

Form of resolution providing a certain number of hours or days of general debate.

Resolved, That upon the adoption of this resolution, the Speaker shall recognize the chairman of the Committee on the Judiciary, to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 8601) to enforce constitutional rights, and for other purposes. All points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and continue not to exceed two days to be equally divided and controlled by the chairman of the Committee on the Judiciary and the ranking minority member thereof, the bill shall be considered as having been read and open at any point for amendment under the five-minute rule. . . .⁽¹⁰⁾

9. 97 CONG. REC. 6830, 82d Cong. 1st Sess., June 20, 1951.

10. 106 CONG. REC. 5192, 86th Cong. 2d Sess., Mar. 10, 1960. The resolution

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 10132, a bill to protect the integrity and institutions of the United States through a system of selective compulsory military training and service. That after general debate, which shall be confined to the bill and continue not to exceed 2 days, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Military Affairs, the bill shall be read for amendment under the 5-minute rule. . . .⁽¹¹⁾

Cross References

Consideration in the Committee of the Whole, see § 3, *supra*.

Consideration of appropriation bills in the Committee of the Whole, see Ch. 25, *supra*.

Control and distribution of time for debate in Committee of the Whole generally, see §§ 24–28, *supra*.

Effect of special rules on consideration generally, see § 2, *supra*.

Hour rule applicable to general debate in Committee of the Whole, see § 68, *supra*.

Nondebatable matters generally, see § 6, *supra*.

Opening and closing debate generally, see § 7, *supra*.

Procedure in Committee of the Whole generally, see Ch. 19, *supra*.

as reported provided two days of general debate, but was amended by a committee amendment to provide 15 hours.

11. 86 CONG. REC. 11358, 76th Cong. 3d Sess., Sept. 3, 1940.

Recognition in the Committee of the Whole, see §§ 16 (as to bills), 19 (amendments), 21 (five-minute rule), and 22 (limitation on five-minute debate), *supra*.

Special rules and their effect generally, see Ch. 21, *supra*.

Counting of Time by Chair

§ 74.1 The Chairman of the Committee of the Whole counts the allotted time for debate and announces the expiration thereof.

On Dec. 17, 1970,⁽¹²⁾ Mr. John Conyers, Jr., of Michigan, was yielded a certain number of minutes for general debate in the Committee of the Whole by the Member in charge. At the expiration of said time, Chairman James C. Corman, of California, announced that Mr. Conyers' time had expired and declined to entertain a request by Mr. Conyers for additional time, the time being under the control of the Members in charge.

§ 74.2 Where there was a discrepancy in the times shown on the clocks in the House Chamber, the Chair stated he would rely on the clock on the north wall in deciding when time had expired.

12. 116 CONG. REC. 42222, 91st Cong. 2d Sess.

On Feb. 10, 1964,⁽¹³⁾ the Committee of the Whole had agreed to a unanimous-consent limitation on debate, but the clocks in the House Chamber differed as to the time. In response to a parliamentary inquiry, Chairman Eugene J. Keogh, of New York, stated that he would rely on the clock on the north wall in deciding when time had expired.

Duration of Debate Fixed by House

§ 74.3 In the consideration of the general appropriation bill of 1951, containing numerous appropriations for the various agencies of the government, the House agreed by unanimous consent to provide two hours' general debate in the Committee of the Whole on each chapter as it was read.

On Apr. 3, 1950,⁽¹⁴⁾ Clarence Cannon, of Missouri, Chairman of the Committee on Appropriations, moved to resolve into Committee of the Whole for the consideration of H.R. 7786, the general appropriation bill of 1951, and made the following unanimous-consent

13. 110 CONG. REC. 2724, 88th Cong. 2d Sess.

14. 96 CONG. REC. 4614, 81st Cong. 2d Sess.

request on the control of time for debate, which was agreed to by the House:

Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 7786) making appropriations for the support of the Government for the fiscal year ending June 30, 1951, and for other purposes; and pending that I ask unanimous consent that time for general debate be equally divided, one-half to be controlled by the gentleman from New York [Mr. Taber] and one-half by myself; that debate be confined to the bill; and that following the reading of the first chapter of the bill, not to exceed 2 hours general debate be had before the reading of each subsequent chapter, one-half to be controlled by the chairman and one-half by the ranking minority member of the subcommittee in charge of the chapter.

Parliamentarian's Note: In prior years there had been 11 separate appropriation bills for the various government agencies. In 1951 they were consolidated into one bill.

Effect of House Rules

§ 74.4 Although under a special rule a Member may have control of more than one hour of general debate on a bill in the Committee of the Whole, he may not, under the general rules of the House, himself consume more than

one hour, but may be yielded time by another Member controlling time.

On June 21, 1971,⁽¹⁵⁾ Mr. Wilbur D. Mills, of Arkansas, was in control of four hours of general debate in the Committee of the Whole on H.R. 1, the social security amendments of 1971, pursuant to House Resolution 487, making in order the consideration of the bill and dividing control of eight hours of general debate.

Mr. Mills asked unanimous consent for an extension of time for his remarks:

I cannot yield myself more than an hour, so, Mr. Chairman, I will ask unanimous consent to proceed for 5 additional minutes, only for the purpose of answering questions.

THE CHAIRMAN:⁽¹⁶⁾ To whom shall the time be charged?

MR. [JOHN W.] BYRNES of Wisconsin: Mr. Chairman, I yield 5 minutes to the gentleman from Arkansas (Mr. Mills).

[Mr. Mills was recognized for five minutes.]

§ 74.5 The House agreed to a unanimous-consent request that it be in order to consider a Union Calendar bill under the general rules of the House, limiting debate in the Committee of the Whole

15. 117 CONG. REC. 21096, 21097, 92d Cong. 1st Sess.

16. John D. Dingell (Mich.).

to one hour (to be followed by reading for amendment under the five-minute rule).

On Sept. 7, 1959,⁽¹⁷⁾ the House agreed to the following request by Mr. Armistead I. Selden, Jr., of Alabama, to consider a Union Calendar bill in the Committee of the Whole under the rules of the House:

Mr. Speaker, I ask unanimous consent that it may be in order to consider under the general rules of the House the bill (H.R. 9069) to provide standards for the issuance of passports, and for other purposes; that general debate continue for not to exceed 1 hour, one-half to be controlled by myself and one-half controlled by the ranking minority member of the Committee on Foreign Affairs.

Parliamentarian's Note: Without the adoption of the request as stated, the unanimous-consent consideration of a bill on the Union Calendar would either be under the five-minute rule in the House as in the Committee of the Whole without general debate or would be "in the House" under the hour rule if stated in that form.⁽¹⁸⁾

§ 74.6 The House agreed to a unanimous-consent request

17. 105 CONG. REC. 18442, 18443, 86th Cong. 1st Sess.

18. See also 107 CONG. REC. 14050, 14051, 87th Cong. 1st Sess., July 31, 1961.

that the House resolve itself into the Committee of the Whole for one hour's debate to be followed by reading for amendment under the five-minute rule on a Senate concurrent resolution on the House Calendar.

On June 22, 1965,⁽¹⁹⁾ the House agreed to the following unanimous-consent request for the consideration of a Senate concurrent resolution on the House Calendar:

MR. [DANTE B.] FASCELL [of Florida]: Mr. Speaker, I ask unanimous consent that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of Senate Concurrent Resolution 36 expressing the sense of the Congress with respect to the 20th anniversary of the United Nations during International Cooperation Year, and for other purposes, and that general debate thereon be limited to 1 hour, one-half hour to be controlled by myself and one-half hour to be controlled by the gentlewoman from Ohio [Mrs. Bolton].

The House agreed to the request.

Special Rule for Debate

§ 74.7 The Committee on Rules may report out a special rule fixing time for debate on a bill at a certain number of days instead of hours.

19. 111 CONG. REC. 14400, 89th Cong. 1st Sess.

On Sept. 3, 1940,⁽²⁰⁾ Mr. Adolph J. Sabbath, of Illinois, called up, at the direction of the Committee on Rules, House Resolution 586, which provided for two days of debate on H.R. 10132, a bill to protect the integrity and institutions of the United States through a system of selective compulsory military training and service.

Speaker Pro Tempore Jere Cooper, of Tennessee, overruled a point of order against the resolution:

MR. [VITO] MARCANTONIO [of New York]: Mr. Speaker, a point of order.

THE SPEAKER PRO TEMPORE: The gentleman will state it.

MR. MARCANTONIO: Mr. Speaker, I make the point of order that the resolution is contrary to the unwritten law of the House. It has been the universal practice, custom, and tradition of the House to have debate fixed by hours. This resolution fixes general debate by days. This is entirely meaningless, because a day may be terminated by a motion that the Committee rise or by adjournment, and for that reason I press my point of order.

THE SPEAKER PRO TEMPORE: The Chair is prepared to rule. The gentleman from New York makes the point of order that the resolution is contrary to the unwritten rules of the House in that general debate is fixed by days instead of hours.

In the first place, the point of order comes too late.

In the second place, this is a resolution reported by the Committee on Rules to change the rules of the House, which is permissible on anything except that which is prohibited by the Constitution.

The point of order is overruled.

§ 74.8 Where debate on a bill is fixed by special rule at one day, the term "one day" means one legislative day as terminated by adjournment.

On Aug. 17, 1949, the House adopted House Resolution 327, providing for debate not to exceed one day on H.R. 5895, furnishing military assistance to foreign nations. When the House had resolved itself into the Committee of the Whole for consideration of the bill, Chairman Wilbur D. Mills, of Arkansas, answered a parliamentary inquiry on the meaning of the term "one day."⁽¹⁾

THE CHAIRMAN: Under the rule general debate will be equally divided and will not exceed one day.

MR. [JOSEPH P.] O'HARA of Minnesota: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. O'HARA of Minnesota: What is meant by the term "one day"?

THE CHAIRMAN: The term means one legislative day as terminated by adjournment, from now until the time the House adjourns.

20. 86 CONG. REC. 11358-60, 76th Cong. 3d Sess.

1. 95 CONG. REC. 11666, 81st Cong. 1st Sess.

§ 74.9 Where a bill is considered in the Committee of the Whole under a resolution providing for not to exceed two days of debate, the Committee of the Whole determines the completion of one day of general debate when, after there has been general debate on the bill, the Committee rises and the House then adjourns.

On Feb. 17, 1955,⁽²⁾ Chairman Richard W. Bolling, of Missouri, answered a parliamentary inquiry on how the completion of a day is determined, under a special order fixing debate at two days in the Committee of the Whole:

MR. [H. R.] GROSS [of Iowa]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. GROSS: The resolution which we adopted this afternoon provides that after the adoption of the resolution general debate shall start and shall be confined to the bill and shall continue for not to exceed 2 days. My question is, Starting debate at 4:15 in the afternoon, as we did today [after] the adoption of the resolution, does that constitute a legislative day?

THE CHAIRMAN: The Chair would answer the gentleman that this would be a matter for the committee to decide. The present occupant of the chair understands that the day is not divided by the House or by the committee.

2. 101 CONG. REC. 1688, 84th Cong. 1st Sess.

MR. GROSS: Then this would or would not be called a legislative day so far as general debate upon this bill is concerned?

THE CHAIRMAN: It is the understanding of the Chair that when the Committee of the Whole rises after concluding debate on this subject today that would constitute 1 day.

Limiting Debate Time Provided by Special Rule

§ 74.10 Where the Committee of the Whole rose, after consuming a portion of the three hours' time prescribed by a special rule for debate, the House agreed by unanimous consent that when the Committee should resume consideration of the bill, the debate be further limited to 30 minutes.

On June 27, 1968,⁽³⁾ the Committee of the Whole had arisen after consuming a portion of the three hours of general debate on S. 1166 (Gas Pipeline Safety Act), which time was provided for in House Resolution 1215. The House agreed to a unanimous-consent request further limiting debate in the Committee of the Whole on the bill:

MR. [HARLEY O.] STAGGERS [of West Virginia]: Mr. Speaker, I ask unani-

3. 114 CONG. REC. 19105, 90th Cong. 2d Sess.

mous consent that when the Committee of the Whole continues the consideration of the bill (S. 1166) to authorize the Secretary of Transportation to prescribe safety standards for the transportation of natural and other gas by pipeline, and for other purposes, that the time for general debate be limited to 30 minutes with 15 minutes for the minority and 15 minutes for the majority side.

THE SPEAKER: ⁽⁴⁾ Without objection, it is so ordered.

There was no objection.

§ 74.11 Where the Committee of the Whole is proceeding in general debate on a bill pursuant to a special rule adopted by the House, a motion in the Committee that such debate be closed instantly is not in order.

On Sept. 25, 1951,⁽⁵⁾ the Committee of the Whole was conducting general debate on H.R. 39, the Marketing Facilities Act. Chairman Lindley Beckworth, of Texas, stated that under the special rule adopted by the House for consideration of the bill, Mr. Harold D. Cooley, of North Carolina, had 30 minutes of debate and Mr. Clifford R. Hope, of Kansas, 30 minutes. Mr. Paul W. Shafer, of Michigan, made a point of order and then withdrew it, but also

4. John W. McCormack (Mass.).

5. 97 CONG. REC. 12084, 12089, 82d Cong. 1st Sess.

moved that debate be closed “now” and that “we vote on the bill.” The Chairman ruled that the motion was not in order.

Closing General Debate and Limiting Five-minute Debate on Bill Being Considered in Committee of the Whole

§ 74.12 The House may adopt a special order from the Committee on Rules providing that a bill be considered as read for amendment in the Committee of the Whole and providing that five-minute debate be limited.

On Apr. 17, 1936,⁽⁶⁾ Mr. John J. O'Connor, of New York, of the Committee on Rules, offered a resolution providing a special order of business and explained its effect on five-minute debate in the Committee of the Whole:

MR. O'CONNOR: Mr. Speaker, I call up House Resolution 489.

The Clerk read as follows:

HOUSE RESOLUTION 489

Resolved, That immediately upon the adoption of this resolution the House shall resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H.R. 11563, a bill declaring an emergency in the housing condition in the District of Columbia. . . . General debate on said bill

6. 80 CONG. REC. 5634, 74th Cong. 2d Sess.

shall be considered as closed, and the bill shall be considered as having been read the second time. Amendments may be offered to any section of the bill, but debate under the 5-minute rule shall be closed within one hour and a half. . . .

MR. O'CONNOR: . . . Mr. Speaker, this is a rule for the consideration of the District of Columbia rent bill. The bill has been debated for 3 whole days. There was an obvious filibuster carried on against it, and it was thought best to bring in a rule to bring the matter to an issue.

This rule is not strictly a gag rule. There has been more debate on this bill than on any other ordinary bill. So debate has not been gagged.

All this rule does is to provide for an hour and a half of debate on amendments, and that the debate shall then close. That same result could be accomplished by a motion in the Committee of the Whole at any time, when debate could be shut off. The rule is in that respect more liberal than the general rules. It is true that the rule provides that the bill shall be considered as having been read the second time. The bill has been read in full the first time before the filibuster, and the waiver of reading the bill a second time denies no one any rights.

Under the rule the House automatically resolves itself into Committee of the Whole House on the state of the Union, and amendments are then in order to any part of the bill. Debate on these amendments must close within an hour and a half, but that does not cut off the offering of any amendment to the bill. There is no gag in the rule. A gag rule prevents or limits amendments. The rule is simply an attempt

to expedite the business of the House. It does not go into the merits of the measure, but simply provides that, after due consideration, this House must function and that no filibustering can be permitted to interfere with the orderly, expeditious, and respectable conduct of the proceedings in this House.

§ 74.13 The Committee of the Whole agreed to a unanimous-consent request limiting five-minute debate to a certain number of minutes of debate on each of the seven remaining titles of a bill.

On July 24, 1974,⁽⁷⁾ the Committee of the Whole resumed further consideration of H.R. 11500, the Surface Mining and Reclamation Act of 1974. Chairman Neal Smith, of Iowa, explained the parliamentary situation:

Before the Committee rose on yesterday, it had agreed that the remainder of the substitute committee amendment titles II through VIII, inclusive, would be considered as read and open to amendment at any point.

The Committee further agreed that the time for debate under the 5-minute rule would be limited to not to exceed 3 hours and allocated time to titles II through VIII as follows: 50 minutes for title II, 20 minutes for title III, 50 minutes for title IV, 5 minutes for title V, 5 minutes for title VI, 40 minutes for title VII, and 10 minutes for title VIII.

7. 120 CONG. REC. 25009, 25010, 93d Cong. 2d Sess.

In an attempt to be consistent with the unanimous-consent agreement entered into on yesterday, the Chair will endeavor to recognize all Members who wish to offer or debate amendments to title II during the 50 minutes of time for debate on that title.

If Members who have printed their amendments to title II in the Record would agree to offer those amendments during the 50-minute period and to be recognized for the allotted time, the Chair will recognize both Committee and non-Committee members for that purpose.

Members who have caused amendments to title II to be printed in the Record, however, are protected under clause 6, rule XXIII, and will be permitted to debate for 5 minutes any such amendment which they might offer to title II at the conclusion of the 50 minutes of debate thereon.

The Chair will now compile a list of those Members seeking recognition to offer or debate amendments to title II and will allocate 50 minutes for debate accordingly.

The Chair will give preference where possible to those Members who have amendments to offer to title II.

Members who were standing at the time of the determination of the time allocation will be recognized for 1 minute and 20 seconds each.

MR. [WILLIAM M.] KETCHUM [of California]: Mr. Chairman, I have a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state his parliamentary inquiry.

MR. KETCHUM: Mr. Chairman, I note that the time is approximately 6:30 p.m., and it is my understanding that the Committee will rise at 7 o'clock p.m., tonight.

Does that mean now that the Members who have not been recognized in these next 30 minutes will be continued to be recognized tomorrow when we resume debate on this great issue?

THE CHAIRMAN: The Chair will state that time will remain on this title. The gentleman is correct.

§ 74.14 The House agreed by unanimous consent that there be 30 additional minutes of debate in the Committee of the Whole on a specified amendment to a bill being considered under a rule prohibiting pro forma amendments.

On Apr. 20, 1955,⁽⁸⁾ the House adopted House Resolution 211, providing for consideration of H.R. 4644, to increase the salaries of postal employees and for other purposes. The resolution provided that only specified amendments could be offered and that no amendments could be offered to said amendments. Speaker Sam Rayburn, of Texas, stated in response to a parliamentary inquiry that under the special rule only two five-minute speeches would be permitted on each specified amendment, five minutes in favor and five minutes against.

Mr. Howard W. Smith, of Virginia, propounded a unanimous-

8. 101 CONG. REC. 4829-34, 84th Cong. 1st Sess.

consent request to extend the time for debate on one such amendment:

Mr. Speaker, I desire to submit a unanimous-consent request. The point has been raised that there will be only 10 minutes of debate on this very controversial amendment on the pay question, which is to be found at page 82 of the bill. I should like to state frankly that I did not notice that. I believe that we should provide time for pro forma amendments, to any amendment that is offered. It was not my purpose to restrict the debate in this way. This was not called to my attention until this morning.

After consultation with the minority, I ask unanimous consent that debate under the 5-minute rule on the amendment which will be offered at page 82 of the bill relating to the pay schedule, be extended for 30 additional minutes, which will provide 40 minutes of debate. . . .

THE SPEAKER: Is there objection to the request of the gentleman from Virginia that the time for debate on the amendment which the gentleman identified be extended 30 minutes?

Mr. [LEO E.] ALLEN of Illinois: Reserving the right to object, Mr. Speaker, who will have control of the time under that procedure?

THE SPEAKER: It will be up to the Chairman of the Committee of the Whole to recognize Members under the 5-minute rule.

Mr. [JOSEPH W.] MARTIN [Jr., of Massachusetts]: Reserving the right to object, Mr. Speaker, and I am not going to object, I think we can have assurance that both sides will be equally recognized in the 30 minutes.

Mr. SMITH of Virginia: I assume everybody will be fair.

THE SPEAKER: Is there objection to the request of the gentleman from Virginia?

There was no objection.

§ 74.15 When a committee amendment is being considered under a "closed" rule prohibiting amendments thereto, only two five-minute speeches are in order, pro forma amendments are not permitted and a third Member may be recognized only by unanimous consent.

An illustration of the proposition described above occurred in the Committee of the Whole on Mar. 8, 1977,⁽⁹⁾ during consideration of the Tax Reduction and Simplification Act of 1977 (H.R. 3477). The proceedings were as follows:

Mr. [WILLIAM M.] KETCHUM [of California]: Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the committee amendment.

THE CHAIRMAN:⁽¹⁰⁾ The Chair will state that only two 5-minute speeches are in order under the rule absent unanimous consent.

Mr. KETCHUM: Mr. Chairman, I ask unanimous consent that I may be permitted to speak in favor of the amendment.

9. 123 CONG. REC. 6632, 95th Cong. 1st Sess.

10. Tom Bevill (Ala.).

THE CHAIRMAN: Is there objection to the request of the gentleman from California?

There was no objection.

Parliamentarian's Note: If a special rule provides that only designated amendments may be offered, but does not restrict the amending of such amendments, Members can be recognized to offer pro forma and substantive amendments to the designated amendments under the five-minute rule.

§ 74.16 General debate in the Committee of the Whole having been set by a special rule adopted by the House, may not be extended beyond that time in Committee of the Whole even by unanimous consent.

On Feb. 22, 1980,⁽¹¹⁾ it was demonstrated that the Committee of the Whole cannot by unanimous consent directly change a rule adopted by the House. The proceedings were as follows:

THE CHAIRMAN:⁽¹²⁾ The time of the gentleman from Florida (Mr. Fascell) has expired.

MR. [TOM] HARKIN [of Iowa]: Mr. Chairman, I ask unanimous consent that the gentleman in the well be given an additional 3 minutes.

11. 126 CONG. REC. 3564, 96th Cong. 2d Sess.

12. Thomas S. Foley (Wash.).

THE CHAIRMAN: The Chair will state that all time has expired under the rule. The Committee of the Whole cannot change the rule adopted by the House.

§ 74.17 Where only certain amendments are made in order in Committee of the Whole pursuant to a "modified closed" rule, and those amendments are disposed of or are not offered, no further debate is in order except by unanimous consent.

During consideration of House Joint Resolution 350 (proposing an amendment to the Constitution altering federal budget procedures) in the Committee of the Whole on Oct. 1, 1982,⁽¹³⁾ the Chair responded to several parliamentary inquiries, as indicated below:

MR. [PETER W.] RODINO [Jr., of New Jersey]: Mr. Chairman, I have a parliamentary inquiry. . . .

[I]n view of the fact that the Alexander amendment has been voted down, what is the status now of the joint resolution, House Joint Resolution 350?

THE CHAIRMAN:⁽¹⁴⁾ The Chair will state that under the rule the gentleman from New York (Mr. Conable) has the opportunity to offer his amendment.

MR. RODINO: I have a further parliamentary inquiry, Mr. Chairman. In

13. 128 CONG. REC. 27254, 97th Cong. 2d Sess.

14. Edward P. Boland (Mass.).

the event that the gentleman from New York (Mr. Conable) declines to take his time, what will be the status of those who were in opposition and who had intended to speak in opposition to House Joint Resolution 350?

THE CHAIRMAN: No further amendment is in order, and the Committee will rise if the gentleman from New York (Mr. Conable) does not offer his amendment.

MR. RODINO: Mr. Chairman, would it then be in order to make a unanimous consent request?

THE CHAIRMAN: The answer is, yes, but it must be by unanimous consent.

MR. RODINO: Mr. Chairman, I then ask unanimous consent that in the event the gentleman from New York (Mr. Conable), the author of House Joint Resolution 350, declines to take his time, the majority leader and the Speaker, who had requested time of the chairman of the Committee on the Judiciary, be allowed 10 minutes, and that the other side be allowed 10 minutes.

THE CHAIRMAN: Is there objection to the request of the gentleman from New Jersey?

MR. [CARROLL] CAMPBELL [Jr., of South Carolina]: Mr. Chairman, I object.

THE CHAIRMAN: Objection is heard.

Does the gentleman from New York (Mr. Conable) wish to offer an amendment?

MR. [BARBER B.] CONABLE [Jr., of New York]: Mr. Chairman, I elect not to offer my amendment.

THE CHAIRMAN: Under the rule, the Committee rises.

Parliamentarian's Note: In the above circumstances, a preferen-

tial motion, that the Committee of the Whole rise and report the resolution to the House with the recommendation that the enacting clause be stricken, made for the purpose of obtaining time for debate, would not be in order after disposition of the Alexander amendment if Mr. Conable did not seek recognition to offer the only other amendment made in order since the preferential motion is not in order where the stage of amendment is passed.

§ 74.18 Where the House has adopted a special rule limiting debate on an amendment in Committee of the Whole and equally dividing the time between the proponent and an opponent, the Committee of the Whole may, by unanimous consent, allocate some of the opposition time to the proponent where no Member has claimed time in opposition.

The following proceedings occurred in the Committee of the Whole on Mar. 3, 1983,⁽¹⁵⁾ during consideration of H.R. 1718 (emergency appropriations for fiscal 1983):

THE CHAIRMAN:⁽¹⁶⁾ Pursuant to House Resolution 113, the gentleman

15. 129 CONG. REC. 3939, 3943, 98th Cong. 1st Sess.

16. David E. Bonior (Mich.).

from New Jersey (Mr. Howard) will be recognized for 15 minutes, and a Member opposed to the amendment will be recognized for the other 15 minutes.

Is there a Member opposed who wishes to control that time?

No Member has responded, and the Chair recognizes the gentleman from New Jersey (Mr. Howard) for 15 minutes.

MR. [M. G. (GENE)] SNYDER [of Kentucky]: Mr. Chairman, a parliamentary inquiry.

THE CHAIRMAN: The gentleman will state it.

MR. SNYDER: The Chairman, since no one has risen in opposition, would it be permissible to ask unanimous consent to transfer 5 minutes of the opposition time to the gentleman from New Jersey?

THE CHAIRMAN: Under unanimous consent, yes.

MR. SNYDER: Mr. Chairman, I make that request.

THE CHAIRMAN: Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Parliamentarian's Note: The Committee of the Whole may not by unanimous consent extend time for debate set by the House, but may reallocate time where there is no opposition.

Enacting Clause Where Pro Forma Amendments Prohibited

§ 74.19 A special rule governing consideration of a bill

in Committee of the Whole which prohibits the Chair from entertaining pro forma amendments for the purpose of debate does not preclude the offering of a preferential motion that the Committee rise and report the bill to the House with the recommendation that the enacting clause be stricken, since that motion is not a pro forma amendment and must be voted on (or withdrawn by unanimous consent).

On May 4, 1983,⁽¹⁷⁾ the Committee of the Whole had under consideration House Joint Resolution 13, calling for a freeze and reduction in nuclear weapons. House Joint Resolution 13 was being considered pursuant to a special rule agreed to on Mar. 16,⁽¹⁸⁾ and a special rule providing for additional procedures for consideration, including the prohibition of pro forma amendments offered for purposes of obtaining debate time, agreed to on May 4.⁽¹⁹⁾ A preferential motion was offered:

MR. [ELLIOTT H.] LEVITAS [of Georgia]: Mr. Chairman, I offer a preferential motion.

17. 129 CONG. REC. 11072, 98th Cong. 1st Sess.

18. H. Res. 138, 129 CONG. REC. 5666, 98th Cong. 1st Sess.

19. H. Res. 179, 129 CONG. REC. 11037, 98th Cong. 1st Sess.

The Clerk read as follows:

Mr. Levitas moves that the Committee rise and report the resolution back to the House with the recommendation that the resolving clause be stricken.

MR. [THOMAS J.] DOWNEY of New York: Mr. Chairman, I have a point of order.

THE CHAIRMAN PRO TEMPORE:⁽²⁰⁾ The gentleman will state his point of order.

MR. DOWNEY of New York: Mr. Chairman, my understanding of the rule is that there is a provision in the rule that prohibits motions of this sort for the purpose of debate time. Is that correct?

THE CHAIRMAN PRO TEMPORE: The Chair will advise the gentleman it only prohibits pro forma amendments, not preferential motions such as the gentleman has offered.

§ 75. General Debate

On most bills considered in the Committee of the Whole, a special rule reported from the Committee on Rules and adopted by the House provides for a certain number of hours of general debate, equally divided and controlled by the chairman and ranking minority member of the reporting committee.⁽¹⁾ If no special rule pro-

vides for the duration of general debate, the House may agree by unanimous consent to limit such debate.⁽²⁾ And where the House has fixed the time for general debate, the Committee may not, even by unanimous consent, extend such time.⁽³⁾

If neither a special rule nor a unanimous-consent agreement has provided for the duration of general debate in the Committee, the debate proceeds under the hour rule, each Member being recognized for one hour, and is unlimited until the Committee or the House acts to close the debate.⁽⁴⁾

Cross References

Committee of the Whole and debate generally, see Ch. 19, *supra*.

Control and distribution in general debate, see §§ 24–26, *supra*.

Effect of special orders on duration of general debate, see § 74, *supra*.

General debate on appropriation bills, see Ch. 25, *supra*.

Opening and closing debate generally, see § 7, *supra*.

Recognition generally on bills considered in the Committee of the Whole, see § 16, *supra*.

Special orders generally, see Ch. 21, *supra*.

2. See § 75.10, *infra*.

3. See § 75.7, *infra*.

4. See §§ 75.1–75.4, *infra*. For the one-hour limitation per Member, see §§ 75.5, 75.6, *infra*.

20. Leon E. Panetta (Calif.).

1. See § 74, *supra*, for the effect of special rules on the duration of debate in the Committee of the Whole.